

**HOUSE CONCURRENT RESOLUTION NO. 73**

(By Delegates Shaver, Barker, Kominar, Varner, Williams,  
Butcher, Walker, Carmichael, Andes, Perry and M. Poling)

Urging the U.S. Environmental Protection Agency to reconsider its  
January 13, 2011, action to veto the permit issued by the U.S.  
Army Corps of Engineers for the Spruce Mine in Logan County,  
West Virginia.

WHEREAS, The Senate, during the 2010 Regular Legislative  
Session, expressed its will by adopting SCR No. 61 urging the EPA  
not to veto the Spruce Mine Permit; and

WHEREAS, The House, during the 2010 Regular Legislative  
Session, adopted HCR 111 which further enunciated the intent of the  
Legislature with respect to West Virginia's "narrative water  
quality standards" and upon such, urged EPA to recognize  
Congressional Intent as enacted in the Federal Water Pollution  
Control Act whereby Congress declared that "it is the policy of  
Congress to recognize, preserve and protect the primary  
responsibilities and rights of states to prevent, reduce, and  
eliminate pollution, to plan the development and use of land and  
water resources...."; and

WHEREAS, The Legislature, found the U.S. Army Corps of  
Engineers issued a permit to the Spruce Mine in Logan County, West  
Virginia after years of intensive review, including the conclusion

1 of a full environmental impact statement; and

2       WHEREAS, In the course of its deliberations regarding the  
3 Spruce Mine, the U.S. Environmental Protection Agency has raised  
4 concerns regarding water quality; and

5       WHEREAS, Interpretations and implementation of West Virginia's  
6 water quality standards is also the responsibility of the West  
7 Virginia Legislature and the West Virginia Department of  
8 Environmental Protection, who has previously determined that the  
9 Spruce Mine complies with the water quality standards, including  
10 the narrative standards approved by the Legislature and implemented  
11 by the West Virginia Department of Environmental Protection; and

12       WHEREAS, The permit has been in place for three years and has  
13 become operational and employees have been hired; and

14       WHEREAS, EPA has heretofore announced its intentions of vetoing  
15 the Spruce Mine permit and advanced proceedings to carry through  
16 with its veto intentions during 2010 in apparent disregard for the  
17 rights invested in West Virginia by Congressional Acts to also  
18 regulate water quality and in disregard for the State's water  
19 quality standards found to strike a healthy balance between high  
20 environmental quality and economic growth opportunities; and

21       WHEREAS, The EPA in its veto has failed to provide guidance on  
22 correcting the Spruce Mine permit; and

23       WHEREAS, The permit veto issued by the U.S. Environmental  
24 Protection Agency will certainly result in the loss of jobs and

1 investments at Spruce Mine Company in Logan County, West Virginia  
2 and will have a major impact, not only to Logan County, West  
3 Virginia, but will further impact the financial stability of the  
4 State of West Virginia in an unstable economy; therefore, be it

5       *Resolved by the Legislature of West Virginia:*

6       That the Legislature hereby urges the U.S. Environmental  
7 Protection Agency to reconsider the permit veto for the Spruce Mine  
8 in Logan County, West Virginia, based on its recognition of the  
9 comprehensive nature of West Virginia water quality standards; and,  
10 be it

11       *Further Resolved,* That the Legislature urges the EPA to  
12 provide clear and concise guidance to Spruce Mine on how to correct  
13 its permit; and, be it

14       *Further Resolved,* That the Legislature expresses the sentiment  
15 that mining in West Virginia can be done safely, efficiently and  
16 profitably while protecting the water quality of the State; and, be  
17 it

18       *Further Resolved,* That the Legislature as a body takes the  
19 lead in facilitating a multi-state response to provide a stronger,  
20 more cohesive and coordinated voice on matters involving EPA and  
21 national coal and energy issues; and, be it

22       *Further Resolved,* That the Clerk of the House is hereby  
23 directed to forward a copy of this resolution to the U.S.  
24 Environmental Protection Agency, the U.S. Army Corps of Engineers,

1 the U.S. Council of Environmental Quality, the members of the West  
2 Virginia Delegation to the Congress of the United States and the  
3 President of the United States.